

ROUTING			
TO:	NAME AND ADDRESS	DATE	INITIALS
1	<i>DTAO</i>	<i>5/2</i>	<i>h</i>
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4	<i>ST</i>		
	ACTION	DIRECT REPLY	PREPARE REPLY
	APPROVAL	DISPATCH	RECOMMENDATION
	COMMENT	FILE	RETURN
	CONCURRENCE	INFORMATION	SIGNATURE
REMARKS:			
FROM: NAME, ADDRESS, AND PHONE NO.			DATE

~~TOP SECRET~~

(Security Classification)

*file OGA*CONTROL NO. *22*

25X1

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COMINT

Channels

Access to this document will be restricted to
those approved for the following specific activities:



Warning Notice

Intelligence Sources and Methods Involved

NATIONAL SECURITY INFORMATION

Unauthorized Disclosure Subject to Criminal Sanctions

~~TOP SECRET~~

(Security Classification)

DISSEMINATION CONTROL ABBREVIATIONS

NOFORN-	Not Releasable to Foreign Nationals
NOCONTRACT-	Not Releasable to Contractors or Contractor/Consultants
PROPIN-	Caution-Proprietary Information Involved
USIBONLY-	USIB Departments Only
ORCON-	Dissemination and Extraction of Information Controlled by Originator
REL . . .	This Information has been Authorized for Release to . . .



TOP SECRET

NATIONAL SECURITY AGENCY
CENTRAL SECURITY SERVICE
FORT GEORGE G. MEADE, MARYLAND 20755

Serial: J-234-86
7 May 1986

The Honorable D. Lowell Jensen
Deputy Attorney General
Department of Justice
Washington, DC

Dear Mr. Jensen:

(TS-CCO) Over the past few days we have discussed the very serious problems that unauthorized disclosures cause the Intelligence Community in general and the National Security Agency (NSA) in particular.

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(TS-CCO) Enclosed are additional examples of recent leaks which highlight again the problem which is caused by the gratuitous publication of technical details concerning COMINT activities.

I cannot stress too strongly the great need and urgency for a solution to media disclosures of technical details of COMINT operations.

(TS-CCO) In light of our discussions and these new referrals, as well as previous referrals over the past five months, I ask that the Department consider on an expedited basis how the legal tools available to us can be employed both to address the general problem of leaks and, more specifically, the threatened disclosure of the [redacted] Program. Three policy questions are paramount:

a. Of the cases now referred to DOJ, will the Department of Justice investigate any of these on an expedited basis to find the source of the disclosures and prosecute? That investigation should either call reporters before a grand jury to identify the source of the leaks or proceed to apply 18 U.S.C. §798 against the reporters and the media organizations themselves.

b. With respect to the repeatedly threatened, and thus far forestalled, publication about [redacted] is it appropriate to secure a temporary restraining order and ultimately an injunction against the publication of information about that program? I believe an adequate factual predicate exists to satisfy the legal requirements for an injunction.

**APPENDED DOCUMENTS CONTAIN
CODEWORD MATERIAL**

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Classified By NSA/CSSM 123-2

Excluded From: Originating Agency's Determination Required

ER [redacted] 25X1
CY 12 of 13 CYS

TOP SECRET

Serial: J-234-86

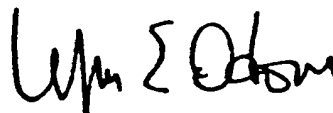
c. If you determine that a TRO is not appropriate, then I ask that you decide whether a prosecution would be pursued upon disclosure. NSA is prepared to provide information about the program during such a prosecution. The need to decide now whether a prosecution would lie is important because it permits us to use that commitment as another reason in persuading the possible publishers not to proceed with the story.

(C) I recognize these questions raise difficult issues of law and policy. Nonetheless, those issues have been considered before. Thus, I believe a rapid response is possible. Director Casey will convene a meeting in the next few days of concerned departments and agencies to consider legal remedies to the leaks problem. It would be most useful if the Department could present its preliminary views on these questions at that meeting. Resolution of these questions as soon after the meeting as possible would greatly assist in preservation of the security of vital COMINT programs.

(U) Please do not hesitate to call myself or
General Counsel, if you have any questions.

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ZSAI

Sincerely,



WILLIAM E. ODOM
Lieutenant General, USA
Director, NSA/Chief, CSS

Copy Furnished:
SECDEF
DCI

Encl:
a/s

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NATIONAL SECURITY AGENCY
CENTRAL SECURITY SERVICE

FORT GEORGE G. MEADE, MARYLAND 20755

Serial: J-233-86

7 May 1986

The Honorable Edwin Meese III
The Attorney General
Department of Justice
Washington, DC

Dear Mr. Attorney General:

(U) Pursuant to subsection 1.7(a) of Executive Order 12333 and implementing procedures thereto, I am reporting to you an unauthorized disclosure of classified communications intelligence information concerning a sensitive intelligence target.

(S-CCO) Subsection 1.7(a) of the Executive Order requires senior officials of the Intelligence Community to report possible violations of specified criminal laws, including crimes likely to impact upon the national security, defense, or foreign relations of the United States, by persons who are not employees of intelligence agencies. It has come to our attention that in three newspaper articles (attached at Tab A) various unnamed sources within the Administration or the United States Government have made unauthorized disclosures of classified and extremely sensitive information concerning both NSA communications intelligence activities and information obtained by the processes of

[redacted] These disclosures therefore violate 18 U.S.C. §798. 25X1

(TSC/OC) The newspaper articles in question consist of the following: [redacted] 25X1

[redacted] In these articles, statements attributed to Administration officials, a State Department official, and unnamed sources reveal classified information concerning the [redacted] by this Agency, [redacted] 25X1

[redacted] to appropriate government officials.

Classified by NSA/CSSM 123-2
Declassify On: Originating Agency's Determination Required

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Serial: J-233-86

(TSC/OC) These statements by alleged U.S. Government employees have caused exceptionally grave, and possibly irreparable, damage to the national security. Subsequent to these unauthorized disclosures, [REDACTED]

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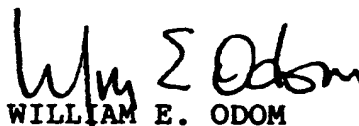
(TSC/OC) In light of apparent U.S. Government employee complicity in these unauthorized disclosures, and because of our serious concern that such disclosures have, and will continue to have, extremely deleterious consequences on this Agency's ability to [REDACTED]

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[REDACTED] I strongly request that the Federal Bureau of Investigation undertake an investigation of this matter with a view toward criminal prosecution of those persons involved. If evidence sufficient to bring prosecution is not obtainable, appropriate administrative action against any U.S. Government employee who participated in these unauthorized disclosures should be taken. In order to assist you in this undertaking, we are providing answers to the standard questions raised concerning unauthorized media disclosures (see Tab B). If you require additional information or assistance, please contact Ms. [REDACTED] [REDACTED] General Counsel, on (301) 688-6705.

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25X1

Sincerely,



WILLIAM E. ODOM
Lieutenant General, USA
Director, NSA/Chief, CSS

2 Encls:
a/s

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A

THE WASHINGTON POST

TUESDAY, APRIL 22, 1986

'Intelligence Coup' Implicated Libya

Intercepted Message From Berlin Said Operation Was 'Happening Now'

By Bob Woodward
Washington Post Staff Writer

Late on April 4, the United States intercepted a message from the Libyan People's Bureau in East Berlin to headquarters in Tripoli telling Libyan authorities that they "will be very happy when you see the headlines tomorrow."

A few hours later, in the early hours of April 5, the United States intercepted a second message from East Berlin to Tripoli reporting that an operation was "happening now" that would not be traceable to the People's Bureau.

That second message, only a few lines long, was sent within 10 minutes of the detonation of a bomb at the La Belle discotheque in West Berlin that killed one American and injured more than 200 people. The blast occurred at 1:49 a.m. Berlin time. Bomb experts subsequently determined that the timer on the device was probably accurate within about 10 minutes.

These two intercepts were the key elements in an intelligence puzzle that, when pieced together, comprised what President Reagan has called the "irrefutable" evidence of Libyan involvement in the La Belle bombing.

Taken individually, the messages were somewhat ambiguous, but their timing and cumulative impact left no real doubt in the minds of senior American officials that they

could rightly blame Muammar Qaddafi's Libya for the bombing, informed sources said.

Half a dozen sources familiar with the intercepted messages said that taken together, their impact was totally convincing because they provided the elements intelligence analysts consider crucial: a motive, an order, a time and place and an after-action report.

Sources said that there was no message from Tripoli specifically

ordering the bombing of the La Belle disco by name or ordering an operation on a given day. But a March 25 cable from Libya to eight People's Bureaus including East Berlin, which was intercepted by the National Security Agency, directed that the bureaus be ready to undertake operations, attacks or the "plan" against American targets and facilities.

One Libyan message mentioned that American military personnel tended to congregate at specific bars, suggesting that such social gathering places would present a desirable target of opportunity, according to one source.

In addition to East Berlin, the three-line message of March 25 was sent to People's Bureaus—the Libyan equivalent of embassies—in Paris, Rome, Madrid and four other European capitals.

These messages came a day after Libya fired missiles at U.S. carrier-based planes operating in the Gulf of Sidra; the United States responded by firing at a Libyan missile site and sinking at least two Libyan patrol boats.

Sources said the United States believes Tripoli normally does not become involved in picking specific targets or times for terrorist operations, under the theory that the People's Bureau and Libyan diplomatic personnel on the scene can do the best. In addition, the sources said, the Libyans are aware that the United States has been able to intercept and decode its diplomatic traffic, and on occasion Libya has used couriers to deliver sensitive information.

The March 25 message was not sent to London, presumably because Britain broke diplomatic relations with Libya in 1984 and the London People's Bureau was closed. One source said that when the Libyan evi-

dence was presented to the British government earlier this month, authorities there were elated that the Libyans apparently had no presence in London from which to conduct terrorist operations.

Britain broke diplomatic relations after a policewoman was fatally shot in April 1984 outside the People's Bureau in London. Intercepted diplomatic messages showed that Tripoli had encouraged and supported the incident, sources said.

U.S. officials privately expressed great pride in what one called the "intelligence coup." As the North Atlantic Treaty Organization commander, Gen. Bernard W. Rogers said in a speech in Atlanta on April 9, the intelligence provided "indisputable evidence" of Libyan responsibility and the United States was almost able to warn GIs to vacate the La Belle disco minutes before the explosion. "We were about 10 minutes too late," Rogers said.

NSA officials, however, were alarmed by Rogers' statement as an earlier one by the U.S. ambassador to West Germany, Richard Burt, about the intelligence information tying Libya to the bomb. The agency subsequently noted the recipients of these top-secret intercepts that public revelation of their contents were severely hampering its ability to intercept Libyan cable traffic, and that distribution of intercepts would be restricted.

Because of those public comments and several references in news media, the sources said, NSA's intercept capability already had been jeopardized before President Reagan on April 14, the day of the U.S. bombing of Libya, took the extraordinary step of summarizing three of the cables to or from the East Libyan People's Bureau.

Staff researcher Barbara Fein contributed to this report.

(c) 1985 The New York Times, April 23, 1985

April 23, 1985, Wednesday, Late City Final Edition

SECTION: Section A; Page 5, Column 4: Foreign Desk

LENGTH: 614 words

HEADLINE: HOW LIBYA MESSAGES INFORMED U.S.

BYLINE: By LESLIE H. GELB, Special to the New York Times

DATELINE: WASHINGTON, April 22

BODY:

Within a few hours of the terrorist bombing of a West Berlin discotheque, the United States intercepted two messages that clearly pointed to Libyan involvement, according to Reagan Administration officials.

On the evening of April 4, the day before the bombing, the officials said the Libyan Peoples Bureau in East Berlin sent a coded message to Tripoli, stating that an operation would be undertaken shortly and that Libyan officials would be pleased with it.

(c) 1985 The New York Times, April 23, 1985

This message was decoded by American intelligence analysts almost instantly, the officials said.

So was a second message, sent from the same diplomatic post in Tripoli a few hours later, some time during the morning of April 5, the officials said. This message notified Tripoli that the operation had been successfully completed, and that it would not be traceable to the Libyan diplomatic post in East Berlin.

At 1:49 A.M. in Berlin

The explosion at the discotheque, which killed two American servicemen and a Turkish woman and wounded 230 others, came at 1:49 A.M. in Berlin, shortly before the second message was intercepted.

The thrust of this information was reported Monday in the Washington Post. It was generally confirmed today by Administration officials who said that when these two decoded intercepts were put together with other intercepted messages over about a 10-day period, the totality constituted what they considered "conclusive proof" of direct Libyan involvement in the discotheque attack.

But two of the Administration officials stated that the information was not exactly accurate. The Post article said the first message was intercepted

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officials they "will be very happy when you see the headlines tomorrow." One official stated "this was the thrust of the message, but not the exact wording." He declined to specify the exact words. The Administration official said The Post's rendition was correct.

The two Administration officials also maintained the second message did not state that the operation was "happening now," as stated in The Washington Post article. One other Administration official said there was a reference in the second message to the timing of the attack, but the other officials denied this.

Called a Civilian Target

All of the Administration officials stated a number of the messages intercepted by the United States pointed to the operation taking place at what officials called a civilian target where American servicemen gathered.

There was no message from Tripoli to East Berlin specifically directing the attack, nor did Tripoli send a congratulatory message following the attack, according to the Administration officials.

The flurry of dispatches between Tripoli and its diplomatic posts in Europe began on March 25. This was the day after Libya fired missiles at American

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aircraft carrier battlegroups sailing in the Gulf of Suez, and after American aircraft struck back at the missile-firing site and at Libyan patrol boats.

The American ships were there for the stated reason of asserting freedom of navigation in the gulf in the face of a Libyan contention that most of the gulf was Libyan territorial waters.

Message of March 25 Cited

In the first message March 25, Libyan intelligence headquarters outside Tripoli was said to have ordered about eight diplomatic posts in Europe to formulate plans against American military targets and civilian targets frequented by American servicemen.

These and other messages were intercepted and decoded by the National Security Agency. The information coincided with other intelligence reports noting that known Libyan agents were trailing American personnel in several European cities.

SUBJECT: Terms not available

The Washington Times / WEDNESDAY, APRIL 23, 1986

U.S. told E. Germans, Soviets about Libyans

By Bill Gertz
THE WASHINGTON TIMES

Soviet and East German officials did nothing after the United States warned them that Libyan officials in East Berlin were involved in terrorism, Deputy Secretary of State John Whitehead told Congress yesterday.

Another State Department official, speaking on the condition he remain anonymous, said in an interview that U.S. electronic intelligence intercepts last March revealed that a terrorist strike was planned by the Libyans in West Berlin.

Under security provisions of the four power post-war agreement on Berlin, U.S. officials alerted both the East Germans and Soviets of a "clear terrorist threat" on March 27 and asked both governments to "take appropriate action" to restrain the Libyans in East Germany, the official said.

But neither communist power did, and this led eventually to the bombing of a West Berlin discotheque on April 5.

"In Berlin, we advised both the East German government and the Soviet Union of the activities of Libyan Peoples Bureau members accredited to East Germany," Mr. Whitehead told a joint hearing of House Public Works and Foreign Affairs subcommittees.

"Both governments noted our concern," he said. "But they took no action to curb the activities of the Peoples' Bureau members and it was that bureau which delivered the bomb to La Belle discotheque that killed and injured 250 people."

The deputy secretary stopped short of accusing the Soviets and East German governments of complicity in the bombing, but criticized both governments' failure to "use their influence and legal position to stop illegal activity" by the Libyan officials in East Germany.

U.S. evidence of Libyan involvement in the terrorist attack led to the air strike April 14 against terrorist bases inside the north African state.

Mr. Whitehead also said that U.S. authorities have decided not to expel an estimated 2,000 to 3,000 Libyans in the United States, because only a small percentage support Libyan leader Muammar Qaddafi.

But U.S. authorities have stepped up measures to keep close tabs on Libyan residents, he said.

Mr. Whitehead said the Washington Peoples Bureau had been closed in 1979, but that U.S. officials have no power to close the Libyan United Nations representative's office in New York.

"You can be sure, however, that we are closely observing the people and the activities of the people who are in that bureau," he said.

U.S. officials decided not to expel the remaining Libyans in the United States, most of them students, Mr. Whitehead said, because their exposure to Western values might lead to

a pro-American government following Col. Qaddafi's regime.

"There will be a future for Libya after Qaddafi and to have a number of educated Libyans who have been exposed to education in the United States . . . in the long run [may] lead to a more stable Libya and a Libya that will be more a part of the world

community than it is today," Mr. Whitehead said.

But the Libyans who remain in the United States on visas have been placed under close surveillance by the FBI, he said.

State Department counterterrorism official Parker Borg told the House panel that only 5 to 10 percent of Libyans residents may sympathize with the Libyan leader.

"Most of them are reluctant to say anything in public and when they talk privately they've informed the FBI people 'look we don't want to have anything to do with politics; we're here as students,'" Mr. Borg said.

Mr. Whitehead said the socialist Greek government rejected U.S. evidence of direct Libyan involvement in the Berlin bombing. And he called France's refusal to allow U.S. jets to pass over French territory during the U.S. air strike "reprehensible."

Mr. Whitehead singled out Greece saying "our friends in Greece have failed to recognize publicly that Qaddafi and Libya are involved in terrorist activity."

Asked whether the Greek government was shown U.S. intelligence reports of diplomatic cables linking the Libyans to the Berlin bombing, Mr. Whitehead replied "yes."

"So far, they have rejected it," he said.

Nikos Papacostantinou, a Greek Embassy spokesman, said in an interview he did not know if his government was shown the reports on the Berlin bombing.

Assistant Secretary of State Matthew outlined for the House U.S. measures for airport security around the said 17 airports have been a secret list of "high risk" for U.S. tourists, but that need not fear traveling to all travel warnings are is

Mr. Scocozza said U have completed security for "about half" the 1 scheduled for review initiated last August. F certain airports, which identify, will be inspected times a year.

"We don't believe today is a life-threatening situation at airports, he said, except minimal in Iran, Afghanistan and Beirut.

Meanwhile, a Soviet claimed that the Soviet intelligence "proving that if planes were downed Libya air strike, including bomber believed lost aircraft that crashed on the two others that were destroyed.

The Foreign Ministry announcement, which cited intelligence on the aircraft by "national technical" euphemism for spy satellite called "total and utter" the Pentagon.

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STANDARD QUESTIONS AND ANSWERS

(U) QUESTION 1. Date and identity of the articles or releases disclosing the classified information?

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(U) QUESTION 2. Specific statements which are classified and whether the data was properly classified?

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(U) QUESTION 3. Whether the classified data disclosed is accurate?

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(U) QUESTION 4. Whether the data came from a specific document and, if so, the origin of the document and the name of the individual responsible for the security of the classified data disclosed?

25X1

(U) QUESTION 5. The extent of official dissemination of the data?

25X1

(U) QUESTION 6. Whether the data has been the subject of prior official releases?

25X1

(U) QUESTION 7. Whether prior clearance for publication or release of the information was sought from proper authorities?

(C) This Agency is unaware of a request for clearance to publish or to release this classified information.

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(U) QUESTION 8. Whether the material or portions thereof or enough background data has been published officially or in the press to make an educated speculation on the matter possible?

25X1

(U) QUESTION 9. Whether the data can be declassified for the purpose of prosecution and, if so, the name of the person competent to testify concerning the classification?

(FOUO) This Agency will provide information necessary to support a prosecution. The selection of witnesses would depend on the nature and needs of a specific prosecution.

(U) QUESTION 10. Whether declassification had been decided upon prior to the publication or release of the data?

(C) No discussion was, or has been made to release detail beyond those in the 25X1

(U) QUESTION 11. What effect the disclosure of the classified data could have on the national defense?

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